

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2215-01  
Bill No.: HB 990  
Subject: Crimes and Punishment; Alcohol  
Type: Original  
Date: April 22, 2013

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Bill Summary: This proposal specifies that any social host that furnishes a minor with alcohol and as a result permanent personal injuries or death occurs is guilty of a class D felony.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                              |                              |                              |
|---|------------------------------|------------------------------|------------------------------|
| FUND AFFECTED   | FY 2014                      | FY 2015                      | FY 2016                      |
| General Revenue   | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
|   |                              |                              |                              |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2014    | FY 2015    | FY 2016    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS                         |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2014    | FY 2015    | FY 2016    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) |          |          |          |
|--|----------|----------|----------|
| FUND AFFECTED                                      | FY 2014  | FY 2015  | FY 2016  |
|  |          |          |          |
|  |          |          |          |
| <b>Total Estimated Net Effect on FTE</b>           | <b>0</b> | <b>0</b> | <b>0</b> |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS |            |            |            |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED                       | FY 2014    | FY 2015    | FY 2016    |
| <b>Local Government</b>             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for a class D felony, of which a minimum of 85% of the sentence must be served. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of “being a social host” where a minor is served liquor and permanent injury or death occurred would be charged with a new Class D felony. In addition, an person convicted or plead guilty to a DWI shall be required to be placed on probation for a minimum of two years and shall successfully complete a DWI court docket or a court ordered treatment program. More indigent accused may want their day in court due to the increased penalties.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume the proposal would not fiscally impact their agency. DOR states the bill imposes social host liability for adults supplying alcohol to minors who cause death or serious injury as a result; requires offenders entering a plea of guilty or who are convicted for either a DWI or BAC offense to complete a DWI Court program or other court-ordered alcohol treatment program in order to received a suspended imposition of sentence (SIS) on the offense. It is expected that the record of the plea or conviction for CDL holders should still be forwarded to the Department by the court for assessment of any disqualification action; therefore, it should not impact our state CDL program compliance, as written.

Officials from the **Office of Prosecution Services, Office of the State Courts Administrator,** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the Department of Transportation did not respond to our request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u>                     | FY 2014<br>(10 Mo.)                     | FY 2015                                 | FY 2016                                 |
|---|---|---|---|
| <b>GENERAL REVENUE</b>                                      |   |   |   |
| <u>Costs - Department of Corrections</u>                    |   |   |   |
| Increased supervision through incarceration / probation     | (Less than<br><u>\$100,000</u> )        | (Less than<br><u>\$100,000</u> )        | (Less than<br><u>\$100,000</u> )        |
| <b>ESTIMATED NET EFFECT TO THE<br/>GENERAL REVENUE FUND</b> | <b>(Less than<br/><u>\$100,000</u>)</b> | <b>(Less than<br/><u>\$100,000</u>)</b> | <b>(Less than<br/><u>\$100,000</u>)</b> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2014<br>(10 Mo.) | FY 2015           | FY 2016           |
|---|---------------------|-------------------|-------------------|
|   | <u><b>\$0</b></u>   | <u><b>\$0</b></u> | <u><b>\$0</b></u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

RS:LR:OD

### FISCAL DESCRIPTION

This bill establishes Laura's Law, which specifies that any parent, guardian, or other adult with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person less than 21 years of age to drink or possess intoxicating liquor or knowingly fails to stop a person less than 21 years of age from drinking or possessing intoxicating liquor on the property will be considered a social host. If the intoxicating liquor furnished by a social host is found to be a contributing proximate cause of resulting permanent injuries or death, the social host will be guilty of a class D felony and will serve a minimum of 85% of his or her sentence and he or she will not be eligible for probation or suspension of execution of sentence unless the entire sentence is served.

The bill specifies that a person convicted of or pleading guilty to the offense of driving while intoxicated or driving with excessive blood alcohol content, both class B misdemeanors for a first offense, will not be granted a suspended imposition of sentence, unless he or she is placed on probation for a minimum of two years and successfully completes a program prescribed under a DWI court or docket or another court-ordered treatment program.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Public Safety  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Department of Revenue

### **Not Responding:**

Department of Transportation



Ross Strope  
Acting Director

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